**(Spl.-H.C.A.S.C.D., 78-e)**

**FARAD CONTINUATION SHEET NO.**

**IN THE HIGH COURT OF BOMBAY AT GOA**
**PANAJI, GOA.**
APPELLATE SIDE

DISTRICT :

WRIT PETITION NO. 319 OF 2004.

| Office Notes, Office Memoranda of Quorum, appearances,Court's orders of directions and Registrar's orders | Court's or Judge's orders |
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Shri Aires Rodrigues, Advocate for the Petitioners.

Shri A. N. S. Nadkarni, Advocate General with Shri S. Vahidulla, Addl. Government Advocate for Respondent No. 1.

Mrs. A. A. Agni, Advocate for Respondents No. 2 to 7.

CORAM : B. H. MARLAPALLE, J.

DATE : 21st OCTOBER, 2004.

P.C. :

1. Heard the Learned Counsel for the Petitioners who had

submitted a complaint to the Block Development Officer against the elected members of the Panchayat including the Sarpanch and Deputy Sarpanch. The Block Development Officer purportedly conducted inquiry and submitted reports. The complaint dated 14.04.2003 filed by the Petitioner No. 1 and other 4 residents of Village Usgaon was enquired into and the same was treated as a Petition under section 50 dealt with section 210-A of the Goa Panchayat Raj Act, 1994.

2. Notices were issued to all the parties concerned. They appeared through Advocates, filed written statements. The Additional

Director of Panchayats who decided the Petition, has considered all the reports submitted by the B.D.O. and the written statements filed by the respective parties as well as arguments advanced before him. At the threshold it was contended that there was violation of the principles of natural justice while deciding Writ Petition No. 399/2003. This submission does not commend to us. Just because the Petition was decided when the complainants were not present would not lead to the conclusion that the principles of natural justice were violated.

3. The Additional Director has examined each and every allegation that was finding place

either in the complaint or report submitted by the B.D.O. He was right in holding that the reports submitted by the B.D.O. Were not duly supported and they were mere surmises or presumptions. When a complaint is submitted against the elected members of the Village Panchayat seeking to unseat them, it was necessary for the B.D.O to carry out a detailed inquiry by recording statements of the concerned. The issue of opening bank account has been separately dealt with by the Addl. Director and the same issue cannot amount to misappropriation of Village Panchayat funds. The reasoning given by the Additional Director in dismissing the complaint dated 14.04.03 read with the reports

submitted by the B.D.O. does not suffer from any errors apparent on the face of the record and therefore there is no case to cause interference in the view taken by the lower authority under Article 227 of the Constitution.

4. The Petition is therefore rejected summarily.

B. H. MARLAPALLE, J.

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